

REMARKS

Drawings

Attached is a drawing that overcomes the objection.

Claim Rejections under 35 USC § 112, second paragraph, and under 35 USC § 101

The use claim is cancelled. New method claims are introduced.

Claim Objections

The claim objections concern improper multiple dependencies. Applicants bring the attention of the Examiner to the Preliminary Amendment filed on September 4, 2001, which removed all multiple dependencies from all the claims to avoid additional fees.

Claim Rejections under 35 USC § 102

Claims 1-4 and 6-10 were rejected as allegedly anticipated by JP 2-80328.

Claim 1 is amended to include the features of the invention previously found in claim 5, which is now cancelled. The rejection is thus moot.

Claim Rejections under 35 USC § 103

Claims 1-10 were rejected as allegedly unpatentable over allegedly admitted prior art and JP 2-80328.

Applicants respectfully disagree. Applicants did not admit that using a platinum tube to introduce gases into a glass melt is prior art.

When discussing the use of a platinum tube to introduce gases into a glass melt, applicants were discussing the subject matter of assignee's internal state of the art. Assignee is not aware of this material being public prior art. As such, the material from the specification relied on in the obviousness rejection is not prior art under US practice.

Additionally, applicants bring the attention of the Examiner to 35 USC 103(c), and state that the subject matter allegedly admitted as prior art and the claimed invention were, at the time

the invention was made, owned by the same person.

Furthermore, even if the allegedly admitted material were prior art, which is not admitted, the claimed subject matter is not obvious. JP '328 teaches a device made of ceramic. Nothing in the reference teaches or suggests that other materials may be suitable for the device.

Applicants teach that platinum pipes have been used, (internal state of the art,) in small melt aggregates. However, the pipes used in small melt aggregates, even if proper prior art, would not provide the motivation for modification of these platinum pipes to include a cooling jacket. Applicants teach that platinum pipes in small melt aggregates withstand the melting temperatures. See page 2, lines 4-9 from the bottom of the page. Thus, there is no reason why one of ordinary skill in the art would modify the platinum pipe for this process.

When discussing standard processes on page 3, first full paragraph of the specification, applicants teach that platinum pipes are not suitable because they dissolve and become perforated and further provide undesirable platinum particles in the melt rendering, for example, the contents, e.g., glass unusable, e.g., as a laser glass. The statement of this problem however does not suggest the solution, i.e., the claimed invention. Instead, this statement has the opposite effect. It teaches one of ordinary skill in the art that platinum pipes are not desirable in this process. If anything, these statements in the specification in combination with JP '328 would motivate an artisan to use a ceramic cooled pipe.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Csaba Henter, Reg. No. 50,908
Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1430, Alexandria, VA 22313-1430 on: December 29, 2003
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